

MINUTES

INDIANA BOARD OF VETERINARY MEDICAL EXAMINERS

JULY 28, 2010

I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

Dr. Headley called the meeting to order at 9:00 a.m. in the Indiana Professional Licensing Agency Conference Room W064, Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana, and declared a quorum in accordance with Indiana Code § 15-5-1.1-6(c).

Board Members Present:

Richard Headley, D.V.M. – Chair
Dawn Frank, D.V.M. – Vice Chair
Patricia Kovach, D.V.M.
Ralph Welp, D.V.M.
Robin Waltz, D.V.M.
Susan Pedigo, R.V.T.
Frank Andrew, Consumer Member

Board Members Absent:

Bret Marsh, D.V.M., State Veterinarian

State Officials Present:

Cindy Vaught, Board Director, Professional Licensing Agency
Heather Hollcraft, Assistant Board Director, Professional Licensing Agency
Heather Young, Case Manager, Professional Licensing Agency
Phillip Thompson, Deputy Attorney General, Office of the Attorney General

II. ADOPTION OF THE AGENDA AS AMENDED

A motion was made and seconded to adopt the agenda as amended.

WELP/FRANK

Motion carried 5-0-0

*Dr. Waltz and Ms. Pedigo were not present for the vote

III. ADOPTION OF THE MINUTES FROM THE MARCH 31, 2010, APRIL 29, 2010, AND MAY 26, 2010 MEETINGS OF THE BOARD

A motion was made and seconded to adopt the minutes from the March 31, 2010, April 29, 2010 and May 26, 2010 meetings of the Board.

FRANK/KOVACH

Motion carried 5-0-0

*Dr. Waltz and Ms. Pedigo were not present for the vote

IV. APPEARANCES

A. Probation

- 1. Brenton Arihood, D.V.M., License No. 24003071A**
Administrative Cause No. 2009 VB 0001

Dr. Arihood appeared before the Board, with counsel, Rori Goldman, regarding his ongoing probationary status. Ms. Goldman distributed patient files with the last name beginning with "D", "H", "R" and "S", Surgery Log for May and June 2010, and Controlled Substance Log for May and June 2010. Dr. Arihood explained his new filing system and new gas machine. The Board is pleased with the checklists for his patient files, but advises him to be more careful in completing them. There has been a vast improvement. Dr. Arihood stated how proud he was of his practice since he made all of the changes. For his Surgery Log, the Board recommended that he record what analgesic was used after the surgery. For his Controlled Substance Log, the Board recommended that he record the amount of the drug on hand first and then list the amounts used. Dr. Arihood's next appearance is scheduled for December 1, 2010.

- 2. Christina Ann Fritz, R.V.T., License No. 25001007A**
Administrative Cause No. 2010 VB 0002

Ms. Fritz appeared before the Board, as requested, regarding her ongoing probationary status. She stated things are going well although she is still unemployed. Ms. Fritz told the Board she is actively seeking employment and has completed all the court ordered community service hours at the zoo and the theft class. She indicated to the Board that she has completed all of the legal terms but must complete the court ordered probationary period of one (1) year. She is still being treated by Aldo Buonanno, M.D. and Julia Mills. Her last appointment with Dr. Buonanno was on July 22, 2010 and Ms. Mills was on July 27, 2010. The Board will need a report from both of them. She sees them on a monthly basis. The Board stated they would like for her to find out when the exact date her criminal probation will be over. Ms. Fritz's next appearance is scheduled for December 1, 2010.

B. Renewal

There were no renewal appearances before the Board.

C. Applications

- 1. Shaw Perrin, D.V.M.**

Dr. Perrin appeared before the Board, as requested, regarding his application for licensure by endorsement. Dr. Perrin is a 2010 graduate from Ohio State College and has taken and passed the NAVLE examination on December 11, 2009. Dr.

Perrin answered "yes" to question 5B on the application that asks "Have you ever been convicted of, pled guilty or nolo contendere to any offense, misdemeanor or felony in any state?" He explained that on April 27, 2004 he pled no contest to one felony count of stalking. On August 18, 2005 he was permitted by the court to withdraw the plea of no contest and the charge was reduced to a misdemeanor and dismissed. He has no other legal troubles since that time. Dr. Perrin is employed at the Dairy Veterinary & Management Services in Goshen, Indiana. .

Board action: A motion was made and seconded to approve Dr. Perrin's application for veterinary license.

ANDREWS/FRANK

Motion carried 6-0-0

* Ms. Pedigo was not present for the vote

V. ADMINISTRATIVE HEARING

1. **State of Indiana vs. Robert Maier, D.V.M., License No. 24006439A**
Administrative Cause No. 2010 VB 0004
Re: Petition for Summary Suspension

Parties and Counsel Present:

Respondent was not present nor represented by counsel
Elizabeth Kiefner-Crawford, Deputy Attorney General for the State of Indiana
Sherry Rutledge, Court Reporter

Participating Board Members:

Dr. Headley, D.V.M., President (Hearing Officer)
Dr. Frank, D.V.M.,
Dr. Waltz, D.V.M.
Dr. Kovach, D.V.M.
Dr. Welp, D.V.M.
Ms. Pedigo, R.V.T.
Mr. Andrews, Consumer Member

Case Summary: The State petitioned for a summary suspension of Respondents veterinary license. The Petition stated that on or about June 7, 2010 Respondent was suspended from employment at VCA Shadeland Animal Hospital in Indianapolis, Indiana (VCA). Police were called to VCA after a client of Respondent's voiced concerns that Respondent had an odor of alcohol on his breath. The Respondent was tested at the scene and registered 0.128 on a portable breath test. Respondent was subsequently terminated from VCA. Respondent is not in treatment with the Indiana Veterinary Association's monitoring program. Respondent is seeking treatment from St. Vincent's Hospital. Respondent was not present, nor represented by counsel. The State indicated that Dr. Maier or

his counsel was not required to be present. The State submitted a Proposed Agreement to the Board. The Proposed Agreement states that Dr. Maier's license will be placed on summary suspension until the next scheduled meeting of the Board.

Board action: A motion was made and seconded to accept the Proposed Agreement as read and place Dr. Maier's license on summary suspension until the next scheduled meeting of the Board.

FRANK/ANDREWS
Motion carried 7-0-0

VI. DISCUSSION

A. James E. Brester, D.V.M., License Number 24003011A

Cause No. 2010 VB 0001

Re: Procedural Ruling by Board of Filings of Respondent and Attorney General

The Board consider the following motion filed by Respondent, Motion to Dismiss complaint filed on June 16, 2010 and State's motion, Voluntary Dismissal of Complaint filed on July 8, 2010. Mr. Thompson explained that there was a complaint filed against Respondent and the hearing was continued on two occasions. On July 8, 2010 the state filed a motion to dismiss. The Board state is having trouble dismissing the case based upon the facts that were written within the complaint. The Board was not pleased that it took four years for the complaint to be investigated and filed.

Board Action: A motion was made and seconded that the disciplinary action in this matter be dismissed.

Kovach/Pedigo, 3/2/2
Motion carried.

B. Robyn Kendrick, Executive Director

American Association of Veterinary State Boards

Re: Resolution

Ms. Vaught discussed a letter received by her from the AAVSB regarding resolutions and their policy for resolutions. The letter stated one resolution was received by them from the Louisiana Board of Veterinary Medicine asking for the AAVSB Board of Directors to charge the Bylaws and Resolution Committee with investigating the possibility of alternative voting methods for delegates not in attendance at the Annual Meeting and for the Committee to propose changes to the Bylaws in regards to voting, if deemed appropriate.

C. National Board Report

Re: Newsletter – June 2010

The NBVME is taking a look at the idea of a two –step NAVLE examination. Step 1 would be basic sciences and step 2 would focus on clinical practice. .

D. Lori D. Leonard, D.V.M., LFHom(Vet)

Re: Complimentary and Alternative Veterinary Medicine Continuing Education
Denial by Registry of Approved Continuing Education

Dr. Leonard stated that the AAVSB – RACE is denying complementary and alternative therapy continuing education. She was had concerns regarding why they were not approving this type of program as they have done in the past.

E. Neal J. Sivula, D.V.M., PhD. FAAVA, President

American Academy of Veterinary Acupuncture
Re: Continuing Education Evaluation Process of AAVSB

Dr. Sivula stated that the AAVSB – RACE is denying complementary and alternative therapy continuing education. She was had concerns regarding why they were not approving this type of program as they have done in the past.

VII. APPLICATION REVIEW

A. Endorsement

1. Eugene F. Wilson, Jr., D.V.M.

The Board reviewed Dr. Wilson's application for licensure by endorsement. Dr. Wilson is a 1985 graduate from Michigan State University and taken and passed the NBE and CCT in 1985. He is currently licensed in the state of Michigan. Dr. Wilson was previously licensed in the State of Indian from June 25, 1987 to October 15, 2003. Since it has been over five (5) years ha was required to reapply for a new license.

Board action: A motion was made and seconded to grant Dr. Wilson's application for a veterinary license.

WALTZ/WELP
Motion carried 7-0-0

2. Debra Marie Moon, D.V.M.

The Board reviewed Dr. Moon's application for licensure by endorsement. Dr. Moon is a 1987 graduate from Tuskegee University and passed the NBE and CCT examinations in 1986. She is currently licensed in the states of Arizona, Michigan and California and holds an expired license in the states of Alabama, Ohio, South Dakota, Virginia South Carolina and Florida. Dr. Moon answered "yes" to question 2 on the application that asks "Has disciplinary action ever been taken regarding any health license, certificate, registration or permit that you hold or have

held?" She explained in a notarized affidavit that she received censure from the State of Arizona stemming from a complaint about a surgery she had performed in 1997.

Board action: A motion was made and seconded to grant Dr. Moon's application for a veterinary license.

FRANK/KOVACH
Motion carried 6-1-0
*Dr. Welp opposed

B. Examination

There were no examination applications for the Board to review.

C. Professional Corporation

There were no professional corporation applications for the Board to review.

VIII. RENEWALS

A. Kathryn Lynn Fitzwater, D.V.M.

Dr. Fitzwater applied for renewal of her veterinary license on July 19, 2010. Her license expired on October 15, 2007 and she was required to complete sixty (60) hours of continuing education. Dr. Fitzwater has requested the Board to accept her residency program at The Ohio State University in Small Animal Surgery from July 16, 2007 to July 15, 2010 in lieu of completion of additional thirty-three (33) hours of continuing education. Dr. Fitzwater has completed twenty seven (27) hours of continuing education at the AO North America "Advanced Techniques in Small Animal Fracture Management" on April 16-19, 2010.

Board action: A motion was made and seconded to grant Dr. Fitzwater's request to accept her residency program at the Ohio State University for continuing education and grant her veterinary license renewal.

HEADLEY/FRANK
Motion carried 7-0-0

IX. PROBATIONARY REPORT

A. John Sykes, D.V.M.

Dr. Sykes submitted his evaluation from the Indiana Veterinary Medical Association Well-Being Program based on his past history with alcohol. Ms. Backer stated that they believe he is safe to practice veterinary medicine without being on probation. Dr. Sykes has volunteered to enter their program for one year which will include random urine screens, monthly counseling for a period of time and exposure to mutual self-help groups. Mr. Thompson

stated advised the Board that he will need to petition the Board to have his current probation modified or lifted.

X. CONTINUING EDUCATION

A. Cincinnati Animal Referral & Emergency Center

“Cushings Disease”

Cincinnati, OH

September 15, 2010

Hours Granted: 2 Pending

“Oncology Update”

Cincinnati, OH

November 16, 2010

Hours Granted: 2 Pending

B. Intervet/Schering-Plough Animal Health

“Calf Meeting”

Middlebury, IN

June 24, 2010

Hours Granted: 3

C. Merial Limited

“Parasitology in Dogs & Cats in 2010”

Louisville, Kentucky

June 8, 2010

Hours Granted: 2

D. Pfizer Animal Health

“Pain Pharmacology”

Indianapolis, Indiana

June 21, 2010

Hours Granted: 1.5

“Pain Pharmacology”

Bloomington, Indiana

June 23, 2010

Hours Granted: 1.5

Board action: A motion was made and seconded to approve the requested continuing education seminars for Cincinnati Animal Referral & Emergency Center upon receipt of their agenda and to approve the requested continuing education seminars for Intervet/Schering-Plough Animal Health, Merial Limited and Pfizer Animal Health.

FRANK/WALTZ

Motion carried 7-0-0

XI. REPORTS

A. Consumer Complaints – Dr. Waltz

Dr. Waltz reported she has reviewed approximately eight complaints. She agreed to dismiss all except for one she has requested further information. She will be scheduling informal meetings with some of the other complaints that she has reviewed.

C. State Veterinarian's Report – Dr. Marsh

There was no report.

XII. OLD/NEW BUSINESS

- Dr. Headley discussed his recommendation to the Regulated Occupations Evaluation committee (ROEC) Committee. He is concerned with the amount of time it takes for complaints to be brought before the Board from the Attorney General's office and is even concerned with the amount of time it takes the Attorney General's office to contact the practitioner in question.
- Dr. Waltz stated she feels communication with the Boards Deputy Attorney General is getting better.
- Dr. Welp and Dr. Frank both stated they are resigning effective today. The Board thanked them for their service and dedication to the Board.
- Dr. Kovach offered to review the continuing education applications in the future.
- The State Association will be at the next meeting to discuss PAVE versus ECFVG and to give their thoughts on this debate.

XIII. OTHER ITEMS FOR CONSIDERATION

A. Vice Chair Nomination

Board action: A motion was made and seconded to nominate Dr. Kovach for Vice Chair.

WALTZ/ANDREWS
Motion carried 6-0-0

XIV. ADJOURNMENT

There being no further business, and having completed its duties, the meeting of the Indiana Board of Veterinary Medical Examiners adjourned at 11:30 a.m.

Board action: A motion was made and seconded to adjourn the meeting of the Indiana Board of Veterinary Medical Examiners at 11:30 a.m.

WALTZ/WELP
Motion carried 7-0-0

Richard Headley, D.V.M., Chairman 9-29-10
Date

Patricia Kovach, D.V.M., Vice Chair 9-29-10
Date